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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-third session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 14 August 1991, at 3 p.m.

Chairman: Mr. JOINET

later: Mr. TURK

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* The summary record of the second part (closed) of the meeting appears as document E/CN.4/Sub.2/1991/SR.13/Add.1.

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The meeting was called to order at 3.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION ESTABLISHED UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1991/14; E/CN.4/Sub.2/1991/15; E/CN.4/Sub.2/1991/46; E/CN.4/Sub.2/1991/51; E/CN.4/Sub.2/1991/NGO/9; E/CN.4/Sub.2/1991/NGO/12; E/CN.4/Sub.2/1990/2; E/CN.4/Sub.2/1989/47; E/CN.4/Sub.2/1989/51; E/CN.4/Sub.2/1989/55)

1. Ms. RUSSO-LENOIR (International Federation of Human Rights) drew the attention of the Sub-Commission to the human rights situation in the south of Bhutan, where there was a large Nepalese community. According to the accounts given by refugees arriving in Nepal and India - which described cases of persons beaten by soldiers until they lost consciousness, deaths in detention and villages set on fire - the human rights of that community were not respected and as a result there was a large-scale exodus of the populations concerned. In an attempt to put a stop to those gross violations of human rights, a movement had been established and had organized demonstrations in 1990, but the Royal Government had nevertheless stepped up its repression and was deliberately excluding the population of south Bhutan from any health or educational infrastructure. The International Federation of Human Rights requested the members of the Sub-Commission to take up that relatively unknown situation.

2. With regard to Guatemala, the Government of Mr. Serrano Elias had not changed the repressive style prevailing under the preceding Government. Between January and June 1991 the Guatemalan Human Rights Committee had recorded such a large number of individual and collective extrajudicial executions, detentions followed by disappearance, arbitrary imprisonment, murders and threats that the infringement of the right to life, already clear with the daily appearance on the streets of corpses showing signs of torture, could be said to be blatant. The trade union movement had also been targeted; an example was the execution, in front of her home, of Mrs. Dinora Prez Valdez, the leader of the trade union for privately employed persons. The Organization of American States had also stressed that Guatemala was its main concern.

3. In Morocco, the Federation had observed some improvement in the situation. Domestic law was drawing closer to international standards, mainly as a result of changes in the Code of Criminal Procedure. She also welcomed the fact that Parliament, at the proposal of the King, had adopted a bill establishing administrative tribunals competent to take decisions on appeals concerning abuse of power and to compensate victims for damages caused by public officials. She hoped that the situation of the soldiers held incommunicado at Tazmamart would be regularized at last and that the Moroccan Advisory Council would consider making a visit there without prior notice. Morocco, which had actively supported the idea of the World Conference on Human Rights, should be able to invite an expert mandated by the Sub-Commission to interview the detainees at Tazmamart. However, the progress

observed did not apply to cases of breaches of State security, as would be shown by the testimony of Mrs. Christine Daure-Serfaty, the wife of Abraham Serfaty, sentenced to life imprisonment in 1977 for a breach of the internal security of the State merely because he had publicly stated anti-monarchist views.

4. Mrs. DAURE-SERFATY, also speaking on behalf of Mrs. Ilham Archer, the daughter of a prisoner serving a life sentence, described the conditions of the prisoners at Tazmamart. Taken from the central prison at Kenitra where they had been imprisoned, the 61 men sentenced as a result of the 1971 and 1972 coup d'état had disappeared. It was only after several years that letters smuggled out revealed that they were at Tazmamart. Since they had been there, they had not seen the light of day and no longer left their cells, even those who had completed their sentences. Half of them had now died; the others, who no longer had anything but the Koran and hope in their fellow men, died when they could no longer rise from their concrete beds to reach the privy hole or the water and the scanty food placed near the door every day. They were buried unwashed and without prayers by the warders who came wearing masks over their noses to roll them up as they were in their blankets.

5. The witnesses to this tragedy were Mr. J.V. Reed, the United States Ambassador at Rabat who in 1985 suceeded in meeting Lt. Touil, the husband of an American citizen, to whom he spoke privately before the latter was taken back to Tazmamart and senior officers of the Moroccan police force and army who had come to fetch Touil and whose names were given to the lawyers of the families. In order to guard its honour, Morocco should not conceal the reasons for its shame but should rid itself of them and should remember the last message from the Tazmamart survivors which had ended with the verse from the Koran: "He who unjustly kills a soul kills the human race. He who saves a soul saves the human race".

6. Mr. SOTTAS (World Organization Against Torture) said that his organization was receiving confirmed information describing very serious human rights violations in Iraq, Iran, Kuwait, Syria and Israel. The conflict of the previous year, backed by the United Nations, had done little to resolve the very long-standing problems in the region and diplomacy would not succeed better unless the solutions proposed were based on law and absolute respect for human rights.

7. Speaking of the situation in the Soviet Union, he drew attention to the extremely disquieting development of inter-community conflicts which, accompanied by serious human rights violations had spread steadily from Armenia and Azerbaijan to the rest of the Soviet Union. Other countries in the former European socialist bloc, particularly Yugoslavia and Albania, were also beset by serious problems in the course of their transition to democracy. The Sub-Commission and the United Nations as a whole had a duty not only to suggest mechanisms capable of avoiding inter-community strife but also to seek with other partners the economic resources necessary in order to implement the sweeping reforms essential in those countries; human rights would be respected only if economic solutions accompanied legislative changes.

8. There were also inter-community tensions outside Europe. The World Organization Against Torture was following with very great concern the measures being taken in Bhutan in order to "protect" the integrity of the nation, for example, the decision to consider anyone who attacked the King, the monarchy or the Government as a traitor; the obligatory wearing of the national costume; the ongoing dehinduization programme and the dismantling of certain broadcasting stations. According to a considerable amount of evidence which tallied, torture, rape, arbitrary arrests and summary executions were imputable to the armed forces although the authorities attributed them to terrorists. The Sub-Commission should give special attention to the situation in Bhutan since every effort was being made to restrict the information coming out of the country.

9. Mention should also be made of the situation in Bahrain. Concordant information referred to the arbitrary arrest and torture of political opponents, either during periods of administrative detention, which could last several years, or in the security prisons to which only government officials had access. The authorities had not yet taken any of the measures advocated by many human rights bodies in order to protect prisoners effectively against torture.

10. In Africa, where the democratic transition process was currently extremely difficult, opponents were being subjected to violence in Madagascar, Kenya, Zaire and Malawi not to mention South Africa. However, in Burundi and Rwanda, the authorities seemed to be endeavouring to find political machinery which would guarantee that ethnic groups participated fairly in political life. It would nevertheless be advisable for the United Nations to assure itself that in fact all groups of the population in those countries fully enjoyed their civil and political rights as well as their economic and cultural rights. The situation which gave rise to the greatest concern was that in the Horn of Africa. According to many concordant depositions, torture was commonplace in Sudan and many political prisoners were still in prison in spite of the amnesty decreed by the Government. In the south of the country, the local civilian population, as well as refugees returning from Ethiopia, were being bombed. The collapse of the Ethiopian and Somali regimes had led to a chaotic situation where different groups were struggling to establish their ascendency, sometimes at the cost of massacres, several of which had led to over 100 deaths. It was the duty of the Sub-Commission and the entire United Nations system to find ways and means of establishing mechanisms to protect human rights in those regions where no central or regional power seemed capable of enforcing the law and to complement that intervention by large-scale economic measures to assist the populations.

11. In El Salvador, notwithstanding the agreements concluded between the Government and the FMLN, the World Organization Against Torture had taken note, between January and April 1991, of numerous arrests, the majority without valid charges being brought, enforced disappearances and cases of torture. The perpetrators of such acts reportedly belonged to the national police, the national guard, the "Hacienda" police and the army. In Mexico, torture and ill-treatment was continuing as well as summary executions including that of Mrs. Norma Corona, a human rights activist. Moreover,

10,000 indigenous persons had been arrested in 1990. Such abuses were often perpetrated under cover of combating the drugs traffic. In Brazil, the murders of street children continued. They were carried out by paramilitary groups who had arrogated to themselves the mission of cleaning up the country. Although the torture of political prisoners had fallen off sharply, second-class citizens and common law prisoners still endured ill-treatment of every kind. In conclusion, many leaders of peasant organizations and human rights activists working in the rural sector were under threat of death. A number had been executed, but in only two cases of serious violations occurring in Brazil in recent years had the perpetrators been tried and sentenced. Even then, the persons concerned had merely been carrying out orders.

12. In the case of democratic countries theoretically equipped with the resources necessary to enforce the law, such as Mexico, Brazil, Colombia and Peru, the Commission should establish an international mechanism to evaluate the measures taken by the authorities to identify, prosecute and sentence the perpetrators of such crimes, since impunity for whatever cause inevitably led to the undermining of the law and to the rule of force.

13. Mrs. MINHINNICK (Indigenous World Association) said that in the International Decade for the Eradication of Colonialism, in which Namibia had been able to exercise its right to self-determination, one could not forget that there were still territories where the enjoyment of that right was denied. One such territory was East Timor which had been annexed in 1976 by the Republic of Indonesia and had lost one third of its population. In spite of the immediate reaction of the United Nations General Assembly and the Security Council in 1975 and 1976 and the reminder on 25 March 1991 from Mr. Javier Pérez de Cuéllar that the question of East Timor had equal weight at the United Nations with the questions of Namibia and the Western Sahara, there was reason to believe that the people of that territory continued to be unable to exercise their fundamental right to self-determination. As far as gross human rights violations were concerned, one merely had to read the most recent Amnesty International report to learn that there were still political prisoners in East Timor and that torture and ill-treatment, disappearances, rigged political trials and summary or arbitrary executions were continuing. It should, however, be noted that the resistance leader Xanana Gusmao had called on the Indonesian military for a dialogue with a view to finding a peaceful and durable solution to the conflict. If that dialogue did not take place, human rights would continue to be flouted in East Timor. It was up to the Sub-Commission to support Mr. Xanana Gusmao's initiative, and encourage the Indonesian authorities to engage in a dialogue that should lead to peace.

14. Mr. POTAPOV (World Federation of Trade Unions) referred first to the plight of the Palestinian people. The military occupation of the occupied Arab territories and the uprising of the Palestinian people it had provoked were having disastrous repercussions on the legislation and practices of the authorities in the area of labour. The implementation of the Fourth Geneva Convention or of International Labour Organisation resolutions, particularly in respect of non-discrimination in the matter of employment and trade union freedoms, was not guaranteed. The World Federation of Trade Unions was

particularly concerned about the acts of violence and repression to which Palestinian workers' organizations were subjected, including interference in their activities, searches of trade union premises, confiscation of property and documents, arrests, ill-treatment and deportation of trade union activists. The Federation considered that an international conference should be convened to ensure that a comprehensive and durable settlement fair to the Palestinians was reached in the Middle East. A peaceful settlement was beginning to take shape but the question of the right of the Palestinian people to self-determination still had to be resolved now that they had a State of Palestine, as well as the issue of the evacuation by Israel of all the occupied territories, including the Golan and East Jerusalem. Furthermore, Israel could not decide unilaterally on the composition of the Palestinian delegation or the scope of the negotiation. The legitimate respresentatives of the Palestinian people must participate in the conference, as otherwise it would lead to further conflict.

15. Turning to the situation in South Africa, he said that the abolition of apartheid was not just a legal problem. The black and coloured populations must also regain all their civil and political rights as well as the land confiscated from them and political, economic and social, educational and other guidelines must be worked out to iron out the glaring inequalities which existed among the different populations. The great haste to lift the sanctions against Pretoria was regrettable. The liberation movements themselves should decide the matter. The revelations about the funding of Inkatah by the Pretoria Government shed new light on the responsibility for the recent massacres in the "townships".

16. The situation of the Kurds was similar to attempted genocide and it was hard to understand why the tragedy of that people had still not been considered by human rights bodies with the attention it deserved. The Sub-Commission should discuss it and request that a commission of inquiry should be sent to the countries concerned in order to obtain objective information about the mass killings, deportations, torture and all the other human rights violations suffered by the Kurds. Having used up his allotted speaking time, he referred the Sub-Commission to his written statement.

17. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination) drew the Sub-Commission's attention to the situation of the Albanians in Yugoslavia, where their human rights were being violated in an increasingly systematic and flagrant manner and where they were exposed to a highly institutionalized system of apartheid. Their right to life and to physical integrity was threatened by the Serbian police, whose members were not called to account for the murders they committed. In Kosovo, Serbia had suspended Parliament and the legal Government. The majority of its members had had to leave the region to escape the criminal proceedings instituted against them. Serbia had also prevented the holding of free elections. The Serbian authorities had dismissed the legal representative of Kosovo from his post in the Yugoslavian presidium and replaced him by a man of their choice. They had also institutionalized segregation by dismissing the Albanian directors of over 300 enterprises and institutions of all kinds in Kosovo, replacing them by Serbs who were discharging Albanian employees en masse, thus

depriving dozens of families of their means of support. The reasons given for the dismissals were purely political. Furthermore, in order to change the ethnic structure of Kosovo whose population was 90 per cent Albanian, the Serbian Parliament had recently adopted a decision aimed at driving out Albanians and bringing in large numbers of Serbs. Serbians who settled in Kosovo were given land free and credit on very easy terms. The Sub-Commission should adopt a resolution condemning that policy and should decide to send a special rapporteur to Kosovo to study the situation and to make recommendations.

18. With regard to Kurdistan, the land and air forces had conducted operations against the Kurdish people, which left several hundreds killed and wounded among the civilian population, in order to establish a "buffer zone" designed to prevent infiltration by Kurdish resistance fighters from the Kurdistan Workers' Party, the PKK. In July, Mr. Turgut Ozal had announced in the most brutal terms that resistance would be crushed by terror. The International Organization for the Elimination of All Forms of Racial Discrimination asked the Sub-Commission to take measures designed to stop human rights violations in Kurdistan.

19. Mr. KHOURI (Union of Arab Jurists) recalled that at the Sub-Commission's forty-second session, the Union of Arab Jurists had raised two isues: the violation of the human rights of Palestinians who were denied their right to self-determination and the need to find a peaceful solution to the question of Kuwait. The Union of Arab Jurists had explained its view that external indebtedness, the economic crisis and the enormous disparities in income between States and peoples were the cause of grave human rights violations and that the peaceful solution of the crisis, based on international equality of all peoples, would reinforce human rights and the right of peoples to self-determination. Unfortunately, the Gulf war had taken place or rather the Gulf "massacre" since it had not been a conventional war but a military confrontation engineered by the United States to reinforce its hegemony over the wealth and peoples of the region.

20. The Union of Arab Jurists observed that the Security Council, whose five permanent members were among the leading arms exporters used double standards when dealing with Middle East problems and always did so at the expense of the Arabs. His organization watched with concern the western countries, permanent members of the Security Council, pursue their policy of blackmail against the people of Iraq. Those countries were in fact preventing the lifting of the embargo imposed on Iraq. Numerous reports from international and humanitarian organizations were issuing warnings about the famine which threatened millions of Iraqis, including 3.3 million children. Illnesses were spreading owing to malnutrition and the collapse of the infrastructure. That was the result of the embargo. The Union of Arab Jurists, which fought for the rights and liberties of peoples, considered that the maintenance of the embargo could no longer be justified; it constituted a serious breach of international conventions and covenants and of the spirit of the Charter of the United Nations, particularly after Iraq's undertaking to implement all the provisions of the Security Council resolutions.

21. The Union of Arab Jurists called on the Sub-Commission to face up to its responsibilities, and to adopt a clear position demanding that the economic embargo against Iraq should be ended and that normal living conditions should be restored to the Iraqi people so as to guarantee their human rights. The Union also urged the Sub-Commission to ensure the protection of the inalienable rights of the Palestinian people, particularly their right to self-determination.

22. Mrs. WONG (International Fellowship of Reconciliation) urged the Sub-Commission to pay close attention to the human rights situation in Hong Kong. An administrative territory of the United Kingdom, Hong Kong was to be returned to the People's Republic of China in 1997, when it would become a "Special Administrative Region" of the People's Republic.

23. Currently, Hong Kong was undergoing its final transitional stage before being absorbed by China. The Constitution for the Special Administrative Region, the "Basic Law", had been adopted in April 1990. Several human rights organizations, including Amnesty International, Asia Watch and the International League for Human Rights had commented on the deficiencies of the Basic Law in safeguarding human rights. Neither the Basic Law, nor the Hong Kong Bill of Rights, introduced in June 1991, would suffice to protect the human rights and fundamental freedoms of the people of Hong Kong. The People's Republic had indicated that it reserved the right to examine the laws currently in force in Hong Kong, including, naturally, the Hong Kong Bill of Rights. It should be noted that the Bill of Rights contained a lengthy list of exceptions, allowing the Executive discretionary powers. While those exceptions were to be reviewed within a year after the adoption of the Bill of Rights, they would nevertheless remain in force until they were repealed by law. As examples might be cited the Police Force Ordinance under which persons might be searched, arrested and detained on mere suspicion or the fact that whereas the Bill of Rights was supposed to guarantee freedom of speech and information, the Hong Kong authorities had, in contravention of that right, used the Immigration Ordinance in July 1991 to prevent representatives of the Second Conference of the Chinese Students' Union from exercising the right to information, which had no connection with the objective of the Immigration Ordinance. Several students holding Chinese passports and carrying valid visas were refused access to Hong Kong without explanation. That was a violation of the right of the people of Hong Kong to information.

24. Other human rights violations had been committed in Hong Kong: in May 1990, five human rights activists had been prosecuted for using loudspeakers, while fund-raising for the pro-democracy movement. They were charged under a section of an ordinance which had been dormant for 17 years. It was significant that those restrictions on freedom related specifically to activities by Hong Kong residents in support of the Pro-Democracy Movement in the People's Republic. Other ordinances had been invoked to restrict democratic activities. A Taiwanese film containing interviews with the Chinese dissidents Wang Dan, Wuer Kaixi and Fang Lizhi, had been censored by the Television and Entertainment Licensing Authority.

25. Other violations of freedom were not so subtle: on 29 September 1989, the Government of Hong Kong had banned a peaceful demonstration on China's National Day. On that day, in an unprecedented action, the police used force to disperse the demonstration. The Chinese authorities had clearly indicated that they would not tolerate the territory of Hong Kong becoming a "anti-communist base" or a "politically sensitive region". The Hong Kong Government was bowing to Chinese pressure and restricting the rights and freedoms of the people of Hong Kong.

26. The International Fellowship of Reconciliation had little optimism and believed that the human rights situation would continue to deteriorate. It therefore hoped that the Sub-Commission would urge all involved parties to ensure that international human rights laws were guaranteed after 1997 and that domestic legislation was enacted to safeguard and promote human rights; that it would appoint a special rapporteur to monitor the Hong Kong situation before and after 1997; and that it would invite the Government of the People's Republic of China to ratify the International Covenant on Civil and Political Rights and the Government of the United Kingdom to ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

27. Six years remained before Hong Kong became integrated into the People's Republic of China. The International Fellowship of Reconciliation therefore urged the Sub-Commission to take action to ensure the continued protection of human rights in the territory. It was precisely in times of transition, when a new Government took office that the United Nations had a constructive role to play with regard to human rights.

28. Mr. WAREHAM (International Association Against Torture) said he wished to raise once again before the members of the Sub-Commission the issue of the human rights violations of which 40 million Africans were victims in the United States. He likened the fate of Blacks in the United States, victims of racial discrimination and segregation, to that of a colonial people and to that of the Blacks in South Africa. He deplored the lack of interest in the United States Blacks which was proof of a shortcoming in the functioning of the Sub-Commission.

29. When the International Association Against Torture had intervened at the forty-second session of the Sub-Commission, it had focused mainly on the issue of health care for Blacks in the United States. In previous statements to the Sub-Commission and the Commission on Human Rights, his organization had presented a comprehensive picture of what racism had made the Blacks: a nation within a nation. It had shown with supporting statistics that the situation of the United States Blacks in relation to Whites was comparable to that of a third world country compared to a developed one.

30. It must be borne in mind that the people concerned were resident in the territory of the great human rights ideologue, which was also the world's greatest military and financial power. One hundred and thirty years after the end of slavery, 43 years after the Universal Declaration of Human Rights, 27 years after the passage of special civil rights legislation, Blacks remained a captive population whose basic human rights were daily violated.

31. In illustration of his remarks, he noted the enormous gap between the health care for Whites and Blacks in the United States. He quoted the example of an experiment in which 412 black share croppers suffering from syphilis were kept under observation for 40 years (1932-1972) without ever being told what they were suffering from or even of the effectiveness of penicillin as a treatment when that had been proved. He also quoted an article which said that in one neighbourhood in Harlem, infant mortality in 1989 - 69.9 per thousand births - was nearly identical to that of Kenya. Harold Freeman, a leading cancer researcher, described black neighbourhoods as "third world zones".

32. In the criminal justice field, he referred to the "Black Codes" of the middle of the nineteenth century, whereby Blacks were punished more severely than Whites for the same crime. Although they had been formally repealed long ago, the codes continued to be applied in practice. Since the reinstitution of capital punishment in 1976, out of a total of 147 persons executed, no white person had been executed for killing a Black or an Hispanic and of the 16,000 documented executions in the entire history of the United States, only 30 Whites had been executed for killing Blacks.

33. Examples of human rights violations of which United States Africans were victims could be given ad infinitum. Why had the Sub-Commission never concerned itself with their rights? He thought that the reply lay in a comment made by Mr. Khalifa to the effect that there was no longer an East-West or a North-South dialogue, but only a monologue conducted by the one super-Power. That monologue consistently bespoke a double standard: not the smallest compensation had ever been given to United States Blacks as restitution for their enslavement, but the State of Israel was formed as reparation for the harm inflicted on Jews by Nazi Germany; the destruction of Iraq was justified in the name of a humanitarian right of intervention, but the use of force against apartheid had never been considered; there was insistence on defeated Iraq making restitution to Kuwait, while sanctions against South Africa were lifted before any real changes had taken place: this group and the other were manipulated to secure the adoption of resolutions bearing the United Nations seal.

34. Clearly the definition of human rights was influenced by politics and the broader definition which currently prevailed was the product of the struggles waged by the third world and former socialist bloc. Spokesmen for the new world order would like to bring back a world in which one could again exercise the democratic right to starvation, unemployment, poverty, poor health and lack of education. The new world order was no more than the old world order in a different guise. His organization again urged members of the Sub-Commission to break new ground and request the appointment of a Special Rapporteur to investigate the consistent pattern of human rights violations against Blacks in the United States.

35. Mr. C. KHOURY (Observer for the Syrian Arab Republic) began by recalling that since independence, Syria had embarked on the road to democracy that had led it away from racism, racial discrimination and fanaticism. Was not the watchword of Syria "religion for God, the homeland for everyone". The Syrian Constitution guaranteed the equality of all citizens without any religious,

racial or other discrimination. That had been the policy of the Ba'ath Party since it had been in power. Furthermore, it was owing to President Assad that the humanitarian aspirations of Arabs had been born. Syria had fought against all forms of fanaticism and fundamentalism. The false allegations spread by some individuals about the human rights situation in Syria and the position of religious communities were thus unfounded.

36. Several non-governmental organizations had spoken about racial discrimination in Syria. What they said was not true: there was only one law for everyone in Syria, and everyone knew it. Accusations of anti-semitism raised a smile in Syria. How could Arabs, who were semites themselves be anti-semitic? Syria had every respect for responsible non-governmental organizations, but thought that a limit should be imposed on all those who propagated slanderous statements and were blinded by their own polemics.

37. Turning to the question of the occuped Arab territories, he said that Syria particularly respected the members of the Sub-Commission for the position of principle they had taken the preceding year in adopting resolution 1990/12. Since that time, the situation had not improved: quite the reverse. The violations by Israel had multiplied, violations both of human rights of the Fourth Geneva Convention and of various United Nations resolutions. Those unlawful violations were continuing as was the unlawful establishment of settlements. The international desire for peace had allowed a free hand to the arrogance of Israel, which was endeavouring to impede a peaceful solution which might free the occupied territories in conformity with Security Council resolutions 242 (1967) and 338 (1973). Currently, building was proceeding feverishly in the occupied Arab territories and there was a stream of provocative statements. He asked members of the Sub-Commission to discharge their responsibility to the Palestine people and condemn those daily violations. He also asked the Secretary-General to report on all the resolutions that had been adopted by the United Nations in that regard.

38. Finally, in response to Amnesty International he said he regretted that the organization had omitted to report violations in the occupied territories, which violated all existing conventions and all the United Nations resolutions. He asked Amnesty International to publish more accurate information in future since the international community expected it to defend human rights in a less selective fashion.

39. Mr. AL DOURI (Observer for Iraq) said he was surprised, when there was so much talk of human rights in all forums and when there had been a qualitative leap in the field of human rights, that no attention was being paid to the Iraqi people who continued to suffer from the embargo imposed upon it. He quoted several reports, including that of Prince Sadruddin Aga Khan, representative of the Secretary-General of the United Nations, who had sounded the alarm because there was a threat of famine in Iraq; that of Mr. Ahtisaari, who had reported the wholesale destruction caused by bombing, which meant a return to the Middle Ages for that country; that of the FAO on the food situation in Iraq and that of Harvard University according to which tens of thousands of children could die in the summer from malnutrition and lack of

medicines. In fact on 1 April 1991, Iraq had informed the International Red Cross and UNICEF that it was on the point of running out of ammonium nitrate, a situation which would make it impossible to produce anaesthetics.

40. The Sub-Commission, removed from political influences, since its experts were not representatives of States, was the conscience of mankind. Iraq was a unique case in history, a case of imbalance in international relations, a case of a country taken hostage, subjected to humiliation, whose dignity had been trampled, and which was being denied medicine and foodstuffs. The Iraqi people were the object of racial discrimination aimed at eliminating them. It was genocide. The embargo imposed on Iraq was leading to starvation and illness. Relying heavily on Security Council resolutions, and although the Council had provided in resolution 687 (1991) for the partial lifting of the embargo for humanitarian reasons, there were those who wished to impose on Iraq a colonial situation, pillage its oil wealth and restrict its liberty to dispose of its own resources. The crimes of which Iraq was victim had destabilized the infrastructure and compromised essential civilian services. He wished to stress that although on 20 March 1989 a partial lifting of the embargo had indeed been decided, Iraq had not been able to benefit from it, owing to lack of foreign currency. Paragraph 22 of resolution 687 (1991) permitted Iraq to sell enough oil to cover its essential needs. However, the veto by the United States, the United Kingdom and other countries effectively impeded the efforts made to ease the embargo.

41. The "new international order" condoned the pillage of Iraq's wealth. If the international communities did not intervene, Iraq would be driven to bankruptcy. He hoped that the Sub-Commission would concern itself with Iraq in an objective manner: the Sub-Commission's moral responsibility was at stake. Finally, he recalled Mr. Eide's report on the right to adequate food (United Nations publication F.89.XIV.2) which contained elements that would make it possible to ease the burden weighing on Iraq. The slow death currently imposed on Iraq should make members of the Sub-Commission mindful of their responsibilities.

42. U Tin Kyaw HIAING (Observer for Myanmar) said that although Myanmar was not yet a party to certain international human rights instruments, it had a long tradition of tolerance and compassion which, augmented by a comprehensive judicial system and legal framework, guaranteed the Myanmar people respect for fundamental human rights in daily life and the prohibition of any cruel, inhuman or degrading treatment, such as torture and extrajudicial executions. Furthermore, contrary to certain allegations, Myanmar society might be taken as a model one in the sense that there was a total absence of discrimination based on religion. It should be stated in that connection that the monks against whom judicial action had been taken were not real monks but individuals involved with extreme political elements.

43. His delegation would like certain human rights activists to try to ascertain what the Myanmar Government was doing before criticizing it or accusing it of human rights violations. While endeavouring to establish the institutions and mechanisms necessary to lay the foundation for a democratic system, it was also taking concrete measures to improve the economic and

social conditions of the people. Those activists should also take into account the fact that social, cultural and religious values were not the same for all peoples and the concept of human rights might be seen from a different perspective from one country to another. Myanmar was currently going through a period of transition when significant political and economic changes were taking place. In order to institute democracy, the rule of law and civil order must first prevail. As there was at present no constitution in Myanmar, the Government had to lay a foundation on which a stable and democratic State could be built and it was currently taking measures along those lines.

44. Furthermore, it had to be borne in mind that Myanmar was made up of 135 national races. It was therefore imperative not only to draft a constitution that was viable in the long term but also to create conditions which would make all the national races feel secure and have a sense of belonging to the Union. One of the basic steps towards that goal had been to implement a programme for the development of the border areas and national races, whose main thrust was to lay the infrastructure for the economic and social development of the country. Cooperative arrangements had been concluded with China and Thailand, and were under way with Laos, and included the exchange of information on drug trafficking and related activities along the common border with those countries and the training of law enforcement personnel to combat such illegal activities. The projects undertaken had already yielded good results; eight insurgent groups in the border areas had returned to the legal fold and were assisting the Government to develop the areas in which they lived. It should also be noted that Myanmar had recently acceded to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotrophic Substances and to the United Nations Convention on the Rights of the Child. Furthermore, as the general situation had improved, all the universities and educational establishments in the country had been reopened to enable students to pursue their studies.

45. With regard to the allegations made about the restraint placed on certain individuals, his delegation wished to state that legal action had been taken not on account of the political activities of the individuals concerned but because they had infringed the law and been guilty of inciting people to acts of violence and terrorism. The individuals concerned had links with certain insurgent groups within the country itself and with certain elements outside the country and it was clear that no responsible Government could condone such actions which could not but bring about instability in the country. His delegation understood the concern of the Sub-Commission's experts prompted by the communications about Myanmar; it wished to reaffirm, however, that those allegations were groundless and emanated mainly from opposition groups and sources influenced by anti-national elements. The Myanmar Government had already repeatedly refuted the allegations addressing itself to the competent bodies, in accordance with the procedures of United Nations human rights mechanisms.

46. In conclusion, the Myanmar delegation wished to assure the Sub-Commission that the leaders in Myanmar were seeking power and that the State Law and Order Restoration Council would hand over in due course to a strong and stable Government formed in accordance with the new constitution to be drafted by the elected representatives of the people.

47. Mr. AKTAN (Observer for Turkey) welcomed the establishment of a working group to consider the Sub-Commission's methods of work. His delegation was in favour of an annual global report, preceded by a general analysis of developments in respect of violations of human rights, trends in that field and progress achieved. A selective approach towards rights and freedoms must be avoided. There was no compulsion to focus exclusively on human rights violations in developing countries. The problem of racism which was essentially a Western phenomenon, but which had become widespread was indeed the most serious problem currently requiring solution and a special rapporteur should therefore be appointed to deal with the question which needed extensive consideration. Non-governmental organizations should not focus their attention on certain types of human rights violations in preference to others but should demonstrate their impartiality, objectivity and reliability by paying more attention to the problem of racism in their respective countries or elsewhere. A chapter of the report should also be devoted to the adverse effects on the enjoyment of human rights of acts of violence committed by armed groups. Account must also be taken of the fact that there was a cause and effect relationship between many of the alleged violations of human rights and the activities of terrorist groups. With regard to studies, the important thing was their contents and not their proliferation. Studies should not be confined to standard-setting and the implementation of existing standards. Currently, efforts were being made to promote respect for human rights and freedoms through the application of international machinery without trying to eliminate the political motives that were the principal cause of failure of endeavours in that field. The concepts of democracy and human rights had appeared twice in history, first in ancient Greece and then in the West, and proof had been provided that when too much importance was attributed to the individual, it ended in societies disintegrating and that was always accompanied by suffering for mankind. The establishment of democracy should therefore have priority over the exercise of individual rights and interdisciplinary studies should be prepared, with the participation of sociologists, anthropologists, psychologists and historians, on those problems which could be summed up in the crucial issue of striking a balance between the general interest and the rights of the individual. The human and financial resources of the Centre for Human Rights should accordingly be reinforced and the Centre should also establish close working relations with other centres, institutes and foundations.

48. With regard to the question of human rights violations which, according to Amnesty International, had been committed in Turkey, his delegation wished to stress that the organization was acting in violation of paragraph 2 of Sub-Commission resolution 1 (XXIV) since its allegations were clearly politically motivated. The number of reports the organization published on Turkey had increased steadily since 1987, the year in which his country had made its application for membership of the European Community. It was clear that certain circles in the member countries were endeavouring to defame Turkey because they objected to Turkey's membership of the Community on religious, cultural and racial grounds. It was not difficult to provoke ethnic strife in an underdeveloped region of a country which already had problems of that nature; by depicting Turkey as a country of torture, Amnesty International was giving international legitimacy to terrorist activities in

the south-east of the country. If, as it claimed, the Turkish police were torturers, prosecutors were collaborators, judges were lackeys and doctors were charlatans, it was certain that no legal safeguards could prevent human rights violations in Turkey. It was evident that Amnesty International's attacks were politically motivated and that consequently, no credance should be given to its allegations.

49. Amnesty International seemed to forget that Turkey was party to all the international instruments and mechanisms against torture and that it had been a democratic country based on a multi-party system for over 50 years, where liberty of the press was guaranteed and the judiciary had enjoyed a tradition of independence for nearly 150 years. By denouncing Turkey, Amnesty International was in fact endorsing the struggle against a democratic country of a terrorist group that massacred women, children and old people. When such acts were committed in the West, their perpetrators were immediately treated as enemies of human rights and the rule of law but it was quite otherwise when Turkey was in question. It was true, and history provided ample proof, that prejudice against Turkey was nothing new. The image that it gave was the reflection of the "negative self" of the West projecting onto Turkey its own feelings, in a way reminiscent of racism. It was time that Amnesty International stopped distorting the image of the situation in Turkey and that it paid more attention to Turkish public opinion and the press which having at first lent a willing ear to its criticism were currently beginning to rebel against a politically motivated hostile attitude bordering on racism. A document summarizing recent legislative changes not reflected in Amnesty International's latest report was in the possession of his delegation and was available to participants.

50. Mr. TABATABEE (Observer for the Islamic Republic of Iran) said that at the time when the Special Representative on the human rights situation in the Islamic Republic of Iran, Mr. Galindo Pohl, had been assigned his mandate, that country had been facing numerous difficulties. It had had among other things to defend itself against an aggression which had turned into a long and devastating war because of the extensive assistance and support provided by a number of countries to the aggressor. The Islamic Republic of Iran had also become the target of numerous acts of terrorism which had made it nearly impossible for the Government of any chance of conducting the affairs of the country in a normal manner. But at the present time, nearly all countries, having come to realize that the Islamic Republic of Iran had a stable and solid Government, had established friendly relations with it. After the fall of communism, the opposition groups had virtually disintegrated, the war was over and the Iranian people could at last live in peace and the terrorist activities of organized groups such as the notorious People's Mujaheddin Organization had decreased. Iran was currently concentrating all its efforts on the development and reconstruction of the country.

51. In his report (E/CN.4/1991/35), Mr. Galindo Pohl stressed the number of death sentences in the Islamic Republic of Iran while confirming that the sentences mostly concerned drug traffickers or common law offenders. The Government had taken strong measures to put an end to the activities of drug traffickers many of whom had invested in the country and many of them were

beginning to find the operations there more difficult. The Special Representative had also noted that at the political level, progress had been made and that all public institutions were established and functioning on the basis of pluralism. In spite of a few isolated cases, there was nothing that could be considered as systematic violations of human rights in the Islamic Republic of Iran. The most important point was that the country had cooperated fully with the Special Representative. Consequently, his delegation considered that the Sub-Commission should cease to monitor the human rights situation in the Islamic Republic of Iran since it had evolved positively and there was a continuous effort to remedy all the problems which might remain. It should be stressed, in that connection, that all the recommendations of the Special Representative were being taken up.

52. In conclusion, his delegation reaffirmed that the Islamic Republic of Iran was ready to continue its cooperation with the United Nations in the field of human rights, in the firm belief that it could serve to promote those rights provided that the issue was not politicized and was approached in an objective manner which could bring positive results.

53. Mr. BENHIMA (Observer for Morocco) said that the favourable development of international relations was conducive to concerted thought about the major challenges which the international community had to meet and which included the promotion and respect for human rights, nowadays perceived as matters of priority concern. In recent years, there had been a world wide discussion aimed at implanting human rights in the universal awareness and in the conduct of political powers - what Mr. Martensen had called human rights culture. All United Nations bodies, in particular the Sub-Commission, and Governments were closely collaborating in developing, bringing to flower and disseminating that culture. The contributions of non-governmental organizations should not be underestimated and he recalled the establishment in Morocco in 1990 of a Human Rights Advisory Council, directly under the authority of His Majesty the King, on which all the national human rights associations were represented. Since his delegation did not have sufficient time to indicate the recommendations made by the Council to His Majesty the King and the legislative measures and regulations already adopted, it could make available to any organization wishing to have it, documentation about Morocco's achievements in the field of human rights.

54. It was certain that the rule of law could not be improvised and that the international instruments constituted essential elements for its introduction and consolidation. But in applying them, the specificity of each country and each region, stemming from its geography, history, culture and political development, must be borne in mind. On the basis of that evidence, human rights must be perceived without dogmatism and without demagogy. In that respect, certain non-governmental organizations would gain a wider hearing and greater credibility if they rejected prejudices erected into dogma and based their work on a knowledge of events, facts and verified information, and demonstrated the intellectual honesty demanded by the moral authority they claimed. Discussion and dialogue were possible, provided that invecture gave way to objectivity, passion to rigour and provocation to responsibility so that the promotion of human rights strictly respected national and spiritual values and sacred institutions.

55. Mr. MARKIDES (Observer for Cyprus) said that despite great achievements, the human rights situation continued to give cause for concern in a good many countries and, in particular, in Cyprus, where since the 1974 illegal invasion of part of the country that was still occupied, a virtually impermeable military line artifically divided the island into two, segregating the Greek-Cypriot community which constituted 82 per cent of the population from the Turkish-Cypriot community which formed 18 per cent. Furthermore, in the occupied zone, the introduction of Turkish settlers was continuing as part of a deliberate policy to change the demographic composition of the country. Cultural and religious monuments continued to be pillaged and desecrated. The people of Cyprus were thus victims of a systematic policy of discrimination and efforts to find a solution to the problem were impeded by a new series of actions which merely added to their suffering. First, demographic manipulations had not ceased but had in effect reached alarming proportions. Turkish settlers implanted in the occupied zone in the place of Cypriots who had been expelled from it and were currently considered by the illegal regime as alien Greek-Cypriot refugees, had reached the figure of 80,000; if the 35,000 Turkish soldiers were added to that number, it would be seen that today there were more Turks than Turkish Cypriots in the occupied zone of Cyprus, since the colonization was forcing the latter to emigrate due to unemployment. It was clear that the establishment of settlers in Cyprus was not only contrary to the fourth Geneva Convention of 1949 but constituted a form of discrimination since it sought to achieve certain political objectives to the detriment of the people of Cyprus. Furthermore, the so-called "certificates of ownership" or "definite title deeds" to property belonging to Greek Cypriots were being issued to the illegal settlers who had taken possession of them. Application forms for title deeds of that kind had even been distributed to members of the army which had invaded Cyprus in 1974 or, in the official terminology employed, to all those who had served in the "Turkish Peace Forces". Such measures, which also gave an idea of the nature of the "peace" brought to Cyprus also constituted a grave breach of both municipal and international law and were not indicative of a will to settle the problem.

56. Another disturbing fact was that in June, Turkey had concluded with the regime, condemned as illegal by the Security Council, in power in the occupied part of Cyprus an "agreement" providing for the abolition of passports between Turkey and that region. The agreement was a further manifestation of the policy of fait accompli and colonization pursued by Turkey. It also constituted a repressive measure against the Turkish Cypriots, who, as a community, seemed doomed to extinction. Furthermore, the purely humanitarian problem of missing persons in Cyprus remained still unresolved, for the Committee on Missing Persons required conclusive evidence and information to reach conclusions that would be convincing to the families of the missing and to the international community. There had been no progress either on the situation of persons in the enclaved zone. Owing to the systematic violations of their rights and freedoms, there were now only 576 such persons, whereas there had been 22,000 after the mass expulsion of nearly 200,000 Greek Cypriots in 1974.

57. The Cypriot Government was determined to continue to support the efforts of the United Nations Secretary-General to promote a just solution of the Cyprus problem on the basis of United Nations resolutions and the High Level Agreements. It welcomed the statement by President Bush to the effect that a meeting on Cyprus should be convened by the United Nations Secretary-General, following consultations with the Security Council and the parties concerned, provided that adequate progress had been made in the meantime. A solution must be found which fully respected human rights and fundamental freedoms including freedom of movement and settlement and the right to property, as established in all the relevant international instruments, of all Cypriots, regardless of their ethnic origin, language, religion or creed. Cyprus had not lost all hope and was encouraged by the fact that the principles and norms of international legitimacy had recently acquired wider recognition.

58. In conclusion, his delegation thanked the Sub-Commission for the support it was giving to the cause of human rights in Cyprus and expressed the hope that the resolution it adopted on the subject would be implemented. The Government of Cyprus itself would continue to exert every possible effort to reach a just and lasting solution to the problem of Cyprus that would entail the withdrawal of the Turkish troops and settlers, the reunification of the country and the restoration of human rights and fundamental freedoms to all Cypriots.

59. Mr. HAMDAM (Observer for Lebanon) said that the situation in South Lebanon was well known to the Sub-Commission, which had decided the previous year to study it at its current session. It was appropriate that the Sub-Commission should state its views on what was happening in that region, especially reaffirming the illegality of Israel's presence in southern Lebanon. It would be recalled in that connection that as long ago as 1978, the Security Council had decided in resolution 425 (1978) to establish an international force to maintain peace in the region and called upon Israel to withdraw from all Lebanese territory. However, a recent report from the Secretary-General of the United Nations indicated that Israeli practices in southern Lebanon prevented international legality from prevailing. It was said in the report that the interference of Israel in the domestic affairs of southern Lebanon had resulted in an intensification of acts of violence. Thus human rights were being held hostage by an abnormal situation.

60. The Sub-Commission should reaffirm the need for Israel to withdraw unconditionally from South Lebanon and implement the provisions of Security Council resolution 425 (1978). Israel must put an end to its interference in Lebanon's internal affairs, give up practices which undermined the authority of the Lebanese Government and stop providing assistance to anti-government forces in South Lebanon. Israel must also free the prisoners it was holding. Those were the necessary conditions to ensure respect for human rights in the region. The Sub-Commission should also reaffirm the need to apply the Geneva Conventions, particularly the Convention relating to the treatment of prisoners of war, and to allow the International Committee of the Red Cross to visit individuals detained by the Israeli authorities. The principle of Lebanon's sovereignty over all its territory must be the foundation on which the Sub-Commission based itself in order to improve the human rights situation in South Lebanon.

61. Mrs. ESCALER (Observer for the Philippines), speaking in exercise of the right of reply, said that on the previous day, the representative of the Cordillera People's Alliance had urged the Philippine Government to renounce its total war policy, militarization and violation of human rights, citing as an example the Marag Valley incident. Her delegation took strong exception to the use of the word militarization in the Philippines. There was in fact a situation of insurgency in the country which the military was trying to deal with, certainly by using force but not that alone. The authorities were endeavouring to address the causes of insurgency, redressing economic and social injustices, by ensuring basic services, including the administration of justice and by a more aggressive implementation of land reform. It was clear that military operations could lead to abuse in contested areas but the blame should not be laid only at the door of the Government since the insurgents were equally guilty. After visiting the Philippines in March 1991 a Dutch socialist member of the European Parliament had stated that human rights violations were committed both by the extreme right and the extreme left and that in that volatile and chaotic situation, the Philippine Government must walk the knife's edge like any democratic Government in the same situation. In his judgement there was really no alternative for a Government which was trying to strengthen democracy and which for that reason deserved support. Rather than blaming a country in ruins at grips with insurgency which was causing further ruin, why did not the non-governmental organizations appeal to the insurgents to lay down their arms and join in the rebuilding of the country?

62. With regard to the Marag Valley incident, the fact-finding mission, immediately sent there by the President of the Philippines to report on the situation, had recommended the delivery of basic goods and services to the people of the region and the establishment of schools and health centres. It had also recommended the recall of military operations, the prosecution of members of the armed forces involved in human rights violations and the declaration of Marag Valley as a forest reserve. That clearly shows that the Philippine Government was addressing human rights abuses and prosecuting violators, including the military.

63. The Philippine Government and non-governmental organizations should cooperate to put an end to human rights violations but in order to do that, Governments which were sincerely trying to promote human rights must not be discredited. Her delegation therefore deplored the fact that the representative of the Cordillera People's Alliance had presented only one side of the story, thereby compelling her delegation to present the other side. Unfortunately, that was not the type of collaboration which could help the Philippines.

64. Mr. ALBUQUERQUE (Observer for Portugal) said that he wished to clarify his country's position on the situation in East Timor in order to dispel any lingering doubts or misunderstanding. Portugal, as administering Power of that Non-Self-Governing Territory under various United Nations resolutions, had the duty of promoting the rights and interests of the people of East Timor in conformity with Article 73 of the Charter. At the same time, since Portugal received information about the situation in the territory through

Timorese who were constantly arriving in Portugal, it was natural that it should bring to the attention of the international community and especially to that of the competent United Nations bodies, the plight of that people.

65. It would be recalled that following the establishment of democracy in Portugal in April 1974, a process of decolonizing all the Portugese colonies, including East Timor, had begun. When the Territory was occupied by Indonesia in December 1975, the United Nations Security Council, in resolution 384 (1975) deplored the invasion and called for the withdrawal without delay of the Indonesian forces from the Territory, recognized the right of the people of East Timor to self-determination and requested the Secretary-General to follow the implementation of the resolution. Although Indonesia had declared East Timor to be a province belonging to it, the region was still a Non-Self-Governing Territory whose situation was periodically examined by the United Nations Special Committee dealing with decolonization.

66. After over 15 years, the essential facts of the problem were unchanged. The Indonesian Government had tried to secure the acceptance of the integration of the Territory by asserting that it had done more for the Timorese as a result of its military occupation of the Territory than had Portugal in 400 years. It regarded the persist allegations of gross violations of human rights in the territory as exaggerated and based on biased comments. But the point at issue was not which of the two forms of colonization had been or was the more beneficial for the Timorese people. The dignity of peoples was not for sale: it had to be respected. The truth was that the alleged conquest of the hearts of the Timorese by a policy of economic and social development was a total failure. Indeed, there was every indication that the Timorese people continued to continue to resist Indonesian domination, which was felt to be a new form of colonization. To cite only one source, the Agence France Presse, the Governor of the Territory himself considered that the policy was a failure and must be changed.

67. With regard to the general human rights situation, it appeared from the latest Amnesty International report that it had deteriorated since September 1990 with the wave of violence and arrests that had followed the peaceful demonstration organized on the fiftieth anniversary of the foundation of the Diocese of Dili. According to Amnesty International, hundreds of people had been arrested and imprisoned since the end of 1988. About 30 people had also been victims of extrajudicial executions in 1990 and at the beginning of 1991 and that practice had been confirmed by the Commission on Human Rights Special Rapporteur and in a report by the United States State Department. Again, according to Amnesty International, the Indonesian security services kept a very sharp eye on contacts between the Timorese and the International Committee of the Red Cross and foreign journalists or tourists in an attempt to conceal the real situation. It was easy to understand why non-governmental human rights organizations were still refused entry to East Timor.

68. In international relations, it was essential to follow a consistent line and avoid double standards. The international community had recently been successfully mobilized to put into practice the principles of prohibition of

the use of force to settle disputes and the illegitimacy of the acquisition of a territory by armed force. It was therefore high time that the international community mobilized to impose respect for the same rules in East Timor, where Indonesia refused to implement United Nations resolutions enjoining it to withdraw from the territory and to respect the right to self-determination of the population. Portugal had spared no effort to find an acceptable solution in conformity with the Charter of the United Nations, the relevant General Assembly and Security Council resolutions and the legitimate interests of the people of East Timor; it had accordingly supported the efforts of the United Nations Secretary-General to give effect to General Assembly resolution 37/30. Consequently, his delegation considered that the agreement of principle recently concluded between Indonesia and Portugal, using the good offices of the Secretary-General, for a Portuguese Parliamentary delegation to visit East Timor had been a step forward, as the Secretary-General himself had described it, towards a comprehensive and internationally acceptable solution.

69. Mr. RASAPUTRAM (Observer for Sri Lanka) said that on several occasions his delegation had called the attention of the Sub-Commission and the Commission to his Government's efforts to safeguard the democratic system and territorial integrity of Sri Lanka in the face of serious threats in the south, the north and east of the country. The situation had fortunately returned to normal in the south after a small group of misguided youths had attempted to destroy democratic institutions and seize power. In the north and east however, the Liberation Tigers of Tamil Eelam were continuing to commit acts of terror and demanding the creation of a separate mono-ethnic State.

70. With regard to the alleged violations of human rights in Sri Lanka, the Government was mindful of its responsibilities under international human rights instruments and its accountability to its people. In order to redress the situation, it had established machinery which included: (a) an independent commission of inquiry to investigate involuntary disappearances; (b) a human rights committee to deal with cases reported to the Government through the competent United Nations bodies; (c) a new unit under the existing Sri Lanka Commission on Human Rights to inquire into disappearances and to work towards the observance of fundamental rights and (d) a task force to monitor the fundamental rights of detainees. Those mechanisms were in addition to the independent judicial system which, with the restoration of normal conditions, would make it possible to inquire into allegations of violations and prosecute all offenders. The Government of Sri Lanka welcomed the acceptance by the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights of the invitation to visit Sri Lanka in September-October. It hoped that the Special Rapporteur on Summary and Arbitrary executions, Mr. Wako, would also be able to visit Sri Lanka in the near future, as he had been invited to do.

71. The situation in the north and east of the country, where the Tamil Eelam terrorists had unilaterally discontinued the dialogue with the Government and resumed their violent activities, had already been described to the Sub-Commission. It was the duty of any Government to safeguard unity, sovereignty and territorial integrity and to guarantee peace and security for

its people. In the two regions populated by Tamils, Sinhalese and Muslims, the very idea of a separate mono-ethnic and one-party State was inconceivable. Law and order must prevail over terrorism so that the different communities could continue to coexist peacefully. The Government security forces were present in those two regions, not to wage war, but to rid them of terrorists, restore civilian administration and the conditions for the holding of elections.

72. The terror campaign of the Liberation Tigers of Tamil Eelam would not prevent the Government from seeking a long-term political situation devolving greater powers to the regions. It was with that end in mind that the unitary Constitution had been amended to permit the creation of Provincial Councils. Since then several Tamil political parties were participating in democratic life and had been elected at national and provincial levels. The question of the devolution of powers to the provinces was being negotiated in the context of an All-Party Conference attended by all democratic political parties representing Tamils, Muslims and Sinhalese. A Parliamentary Select Committee representative of all political parties in Parliament had also been appointed to review the ethnic problem with a view to finding a lasting solution.

73. In the circumstances, what were the prospects for a political solution in Sri Lanka, at present obstructed purely by the intransigence of the Liberation Tigers of Tamil Eelam upon whom the Government continued to call to lay down their arms and participate within a democratic framework? His delegation would be happy to communicate to those who wished to have further details on the subject.

74. Mrs. WIJONO (Observor for Indonesia) said that the agenda item under consideration was particularly important in that it enabled non-governmental organizations to bring to the surface allegations of violations of human rights anywhere in the world and Governments in order to examine the situation in their respective countries. Mrs. Warzazi had correctly remarked on the subject that no Government was immune from such allegations.

75. However, it depended on what was understood by violations of human rights. Very often, the concept was restricted to civil and political rights, and more specifically to cases of detention, torture, summary executions and disappearances. The principle of the indivisibility of all human rights was forgotten and economic, social and cultural rights were ignored. Reference was rarely made to the plight of millions of refugees, displaced persons, homeless people and migrant workers and conventions governing the rights of those vulnerable social groups were rarely invoked. There was also regional selectivity in the presentation of situations. That was the logical consequence of the fact that most of the non-governmental organizations represented at the Sub-Commission and the Commission on Human Rights were based in Western countries and were little concerned with social and economic rights. Non-governmental organizations could however cooperate more usefully with the work of the Sub-Commission if they could ensure the objectivity and reliability of their contribution. Whereas there was an international mechanism to study violations of human rights by means of the thematic or country related working groups and special rapporteurs and under the

confidential procedure for the consideration of communications, due to a shortcoming in the rules of procedure, in the Sub-Commission's discussions, in general those who made allegations were not required to provide substantive evidence and that, contrary to the principle of presumption of innocence, the burden of proof rested on the accused. Owing to the nature of the public procedure, there was a tendency to exaggerate information in order to attract public attention at the expense of justice. Such a practice was clearly not conducive to the creation of a constructive dialogue.

76. With regard, for example, to the references to East Timor, the Indonesian Government had always responded to all communications alleging violations of human rights in the province, in letters to both the Working Group on Communications and to the thematic rapporteurs, whose reports were sometimes made public. Many of the gross allegations made under the agenda item under consideration were exactly the same as those contained in the communications and were made without the slightest evidence. However, as evidence of its good will, the Indonesian Government had invited the Special Rapporteor on torture, Mr. Kooijmans, to visit Indonesia, including East Timor, before the end of the year to gather first-hand information on the situation in the region. Most of those who claimed to be representative of the East Timorese had in fact left the province by their own choice many years ago, some times even during the colonial period. Given the liberty to leave East Timor, none of them had shown the slightest hesitation in seeking foreign nationality, probably in the hope of securing material gains. None of them had any knowledge of the current situation nor of the efforts made to improve living conditions in the province. Detached from reality, they depended solely on rumours and misinformation.

77. Her delegation welcomed the political progress indicated by the dialogue between Indonesia and Portugal. It was reported in a United Nations press release that in the talks under the chairmanship of the Secretary-General, the two sides had agreed on a number of issues related to the terms of reference for the visit by the Portuguese parliamentary delegation. There was therefore ground for optimism about the invitation extended by the Indonesian Parliament in 1988 being taken up in the near future.

Mr. Joinet resumed the Chair.